

14 HIGHLY CONFIDENTIAL
15 VIDEO DEPOSITION OF PATRICK BURKE
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19 REPORTED BY: GINA V. CARBONE CSR NO. 8249 RPR CCRP

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10:12:16 1 and source candidates for us.

10:12:17 2 Q. Well, were there -- were there particular types
10:12:20 3 of research they did or data they gathered?

10:12:24 4 MR. TUBACH: Lacks foundation.

10:12:27 5 THE WITNESS: No. I mean, it's a broad
10:12:30 6 description of service that they provided.

10:12:39 7 MR. SAVERI: Q. I asked you a few minutes
10:12:41 8 ago about the -- about your role with respect to
10:12:48 9 placing new hires in the salary structure. Let me
10:12:50 10 ask some more questions about that.

10:12:53 11 A. Sure.

10:12:55 12 Q. So as a general matter, when Apple determined
10:12:59 13 that it needed to fill a certain job, who decided what
10:13:06 14 the salary range for that job would be?

10:13:09 15 MR. TUBACH: Lacks foundation. Calls for
10:13:09 16 speculation.

10:13:12 17 THE WITNESS: For a particular candidate that
10:13:14 18 we were hiring?

10:13:15 19 MR. SAVERI: Q. Yes.

10:13:16 20 A. The hiring manager was the ultimate decision,
10:13:19 21 and recruiters and HR representatives would help and
10:13:26 22 influence.

10:13:27 23 Q. Well, was it generally the practice that a
10:13:32 24 range was established for a particular job that needed
10:13:37 25 to be filled?

10:13:39 1 A. No.

10:14:01 2 Q. So during your time, you hired or recruited

10:14:09 3 engineers, correct?

10:14:11 4 A. That's all I did. Yes.

10:14:12 5 Q. Now, for any particular engineering candidate,

10:14:16 6 how was the salary range established for that potential

10:14:21 7 candidate?

10:14:21 8 MR. TUBACH: Objection. Asked and answered.

10:14:23 9 Lacks foundation.

10:14:25 10 THE WITNESS: It wasn't a salary range

10:14:28 11 determined, it was what salary we were going to offer.

10:14:33 12 MR. SAVERI: Q. Okay.

10:14:33 13 A. And how that was determined was mostly asking

10:14:37 14 the hiring manager who they compared to in the team,

10:14:40 15 looking at the candidate's education, experience, and

10:14:44 16 knowledge within that experience, and comparing that to

10:14:48 17 different people on their team. And those were the

10:14:52 18 biggest deciphering things.

10:14:54 19 [REDACTED]

10:14:57 20 [REDACTED]

10:15:03 21 [REDACTED] And that's

10:15:05 22 more what determined it.

10:15:07 23 And then sometimes, depending on where -- the

10:15:09 24 number that we determined for a particular candidate, [REDACTED]

10:15:13 25 [REDACTED]

10:15:15 1 [REDACTED] [REDACTED]
10:15:19 2 [REDACTED]
10:15:22 3 [REDACTED], and that's where kind of
10:15:25 4 sometimes HR would get involved to do it. But it was
10:15:28 5 generally guided by other people on the team and how
10:15:31 6 they compared to them.

10:15:34 7 MR. SAVERI: Q. As part of that process --
10:15:35 8 well, strike that.

10:15:40 9 When was the system title for a particular
10:15:46 10 candidate or new hire established?

10:15:49 11 A. At that time.

10:15:50 12 Q. Okay.

10:15:51 13 A. So it's -- we -- in the recruiting system, when
10:15:56 14 we opened a position, we would open it up at -- there is
10:16:01 15 two levels, say it was a two and a three. But we had,
10:16:05 16 you know, kind of flexibility to, hey, if we're hiring
10:16:08 17 and we determined that the salary range what we were
10:16:10 18 figuring that would be a four, we could change that in
10:16:14 19 the system and make that happen.

10:16:16 20 Q. And who had to approve that change, just
10:16:19 21 organizationally? Was it Tony Fadell? Was it someone
10:16:23 22 in the HR department? Was it you?

10:16:25 23 A. There was no approving of the change, it was
10:16:27 24 approving of the offer.

10:16:28 25 Q. Okay.

10:16:28 1 A. So it was once we determined with the hiring
10:16:30 2 manager, we would make that change in the system, but
10:16:33 3 then that would be -- we would make the offer, put
10:16:34 4 that -- those numbers and everything to it, and put that
10:16:37 5 up through the management chain, which included Tony
10:16:41 6 Fadell and the iPod division.

10:16:44 7 But that's how it was for any of the divisions
10:16:47 8 in Apple that I was involved with.

10:16:57 9 Q. As a general matter, who communicated to the
10:16:59 10 candidates regarding compensation packages?

10:17:03 11 A. Mostly the recruiter.

10:17:04 12 Q. So sometimes it was you?

10:17:06 13 A. Yes.

10:17:07 14 Q. And then sometimes it was the recruiters that
10:17:09 15 you supervised?

10:17:10 16 A. Yes. And then sometimes, you know, every once
10:17:12 17 in a while it was a hiring manager.

10:17:20 18 Q. So did you ever make recommendations regarding
10:17:22 19 base salary for particular candidates?

10:17:25 20 A. Yes.

10:17:26 21 Q. And what were -- what were those
10:17:29 22 recommendations generally based on? Those same criteria
10:17:32 23 that we've been --

10:17:34 24 A. What salary they were currently at, what salary
10:17:36 25 they were looking for, what competing offers were. But

10:17:42 1 it was always determined by how they compared to other
10:17:46 2 people. And then if that didn't quite match up with
10:17:48 3 their expectations, I'd advise kind of the hiring
10:17:52 4 manager do we want to push that up a little higher. If
10:17:56 5 their expectations were higher, do we want to push that
10:17:58 6 higher or a hiring bonus to make up the difference.

10:18:02 7 Those were some of the components that we would do.

10:18:08 8 Basically advise. Advise on what makes sense,
10:18:11 9 what we call internally, versus what will close the
10:18:18 10 deal.

10:18:18 11 Q. I think you said a few seconds ago that when
10:18:21 12 you did that, one of the things you looked at was -- or
10:18:25 13 what you tried to do was compare the candidate you were
10:18:30 14 talking to to other people?

10:18:34 15 A. Other engineers at similar levels on the team,
10:18:37 16 yes.

10:18:37 17 Q. That's what I wanted to get. When you said
10:18:39 18 other people, were you talking about other people at
10:18:41 19 Apple?

10:18:42 20 A. Yes.

10:18:43 21 Q. When you were determining yourself, or making a
10:18:46 22 recommendation on salary, did you also look at
10:18:51 23 information or data regarding compensation outside the
10:18:55 24 company?

10:18:56 25 A. No.

10:18:56 1 Q. I mean, for example, did you look at what they
10:18:58 2 were making before at their other company?

10:19:03 3 MR. TUBACH: Vague and ambiguous.

10:19:03 4 You mean what the prospective employee was
10:19:06 5 making --

10:19:06 6 MR. SAVERI: Yes.

10:19:07 7 MR. TUBACH: -- at his current job?

10:19:08 8 THE WITNESS: I would ask the candidate what
10:19:10 9 their current compensation was. For the most part they
10:19:12 10 shared that, sometimes they did not.

10:19:14 11 MR. SAVERI: Q. Did you also consider what
10:19:16 12 the market was for particular skill sets,
10:19:23 13 qualifications, with respect to the people you were
10:19:27 14 recruiting?

10:19:27 15 A. That's a broad statement. It was probably more
10:19:30 16 driven by competing offers.

10:19:32 17 Q. Okay.

10:19:33 18 A. Either of that particular candidate or similar
10:19:37 19 candidates.

10:19:38 20 Q. So are you aware that there are companies that,
10:19:40 21 for example, do compensation surveys of the market?

10:19:50 22 A. Yes.

10:19:51 23 Q. I mean, for example, have you heard the name
10:19:53 24 Croner?

10:19:55 25 A. No.

10:19:55 1 Q. Or Radford?

10:19:56 2 A. Yes.

10:19:57 3 Q. Okay. And have you seen Radford surveys from

10:20:00 4 time to time?

10:20:01 5 A. No.

10:20:01 6 Q. Did you ever use Radford Survey data, or other

10:20:06 7 similar data, regarding levels of compensation in the

10:20:11 8 market in doing your job with respect to recommending

10:20:15 9 compensation for particular candidates?

10:20:20 10 A. Never.

10:20:20 11 Q. So in terms of comparison, is it fair to say

10:20:22 12 that when you were making recommendations, you tried to

10:20:30 13 make a comparison of the candidate you were talking to

10:20:33 14 to other people at Apple?

10:20:35 15 MR. TUBACH: Objection. Asked and answered.

10:20:37 16 THE WITNESS: Compared the candidate to the

10:20:40 17 people at Apple on the team that we were hiring them in.

10:20:45 18 MR. SAVERI: Q. When you made a

10:20:47 19 recommendation, did you consider whether or not this

10:20:57 20 new candidate was going to be getting paid more for

10:21:03 21 a similar job than people who were already at Apple?

10:21:08 22 MR. TUBACH: Vague and ambiguous.

10:21:08 23 THE WITNESS: Yes, can you....

10:21:11 24 MR. SAVERI: Q. Well, was one of your

10:21:12 25 concerns that you didn't want -- when you were

10:21:14 1 hiring a new candidate and you were talking about
10:21:16 2 compensation, when you wanted to get that right, did
10:21:20 3 you think about whether or not you were -- you were
10:21:24 4 going to pay a candidate more than someone else who
10:21:27 5 was already at Apple doing a similar job?

10:21:30 6 MR. TUBACH: Same objection.

10:21:33 7 THE WITNESS: That was a determining factor,
10:21:35 8 but it was, again, more about how they compared to those
10:21:39 9 people. And so the hiring manager would usually not
10:21:43 10 want to pay more than a person with similar or more
10:21:49 11 experience at Apple.

10:21:51 12 So we called it internal equity or fair
10:21:54 13 compensation. And we would want to kind of keep it fair
10:21:58 14 to the team on board. Just because this person was
10:22:00 15 asking for more money than someone with similar
10:22:06 16 experience on the team didn't mean we just gave it to
10:22:09 17 him. We would keep it fair to the people, and [REDACTED]

10:22:13 18 [REDACTED]
10:22:18 19 [REDACTED]

10:22:21 20 MR. SAVERI: Q. Okay. How important did
10:22:39 21 you think recruiting was to the success of Apple?

10:22:41 22 MR. TUBACH: Vague and ambiguous. Lacks
10:22:43 23 foundation.

10:22:45 24 THE WITNESS: Very important.

10:22:49 25 MR. SAVERI: Q. Why was it very important?

10:22:51 1 MR. TUBACH: Same objections.

10:22:56 2 THE WITNESS: Growth of the business. We

10:22:59 3 needed people to -- more engineers to make their

10:23:04 4 products of the ideas that they came up with. Steve

10:23:07 5 Jobs thought it was -- you know, he would mention that

10:23:11 6 40 percent of his time was recruiting, whatever that

10:23:16 7 meant.

10:23:16 8 MR. SAVERI: Q. Well, a hundred percent of

10:23:18 9 yours was, right?

10:23:18 10 A. Yes. But it was always good to have someone at

10:23:21 11 the -- as a leader that thinks that recruiting, you

10:23:24 12 know, your job, is important.

10:23:27 13 Q. Well, okay. Did you understand that Mr. Jobs

10:23:32 14 had a personal commitment to recruiting top talent to

10:23:37 15 Apple?

10:23:39 16 A. I don't know. I'm assuming so by saying 40

10:23:40 17 percent of his time was spent on recruiting.

10:23:43 18 Q. Well, did you understand, yourself, that your

10:23:45 19 job, with respect to recruiting top talent to Apple, was

10:23:48 20 very important to the company?

10:23:51 21 MR. TUBACH: Lacks foundation.

10:23:52 22 THE WITNESS: I personally thought that, yes.

10:24:02 23 MR. SAVERI: Q. Did you ever talk with

10:24:03 24 Mr. Jobs about that subject?

10:24:04 25 A. Never talked to him.

10:24:06 1 Q. You never talked to him?

10:24:07 2 A. No.

10:24:10 3 Q. Just so I'm clear, you never spoke to Steve

10:24:12 4 Jobs in your life?

10:24:13 5 A. No.

10:24:14 6 Q. Okay. Did you ever communicate to him in

10:24:16 7 writing?

10:24:20 8 A. No.

10:24:22 9 Q. Did you ever go to meetings or participate in

10:24:26 10 kind of group circumstances where Steve Jobs addressed

10:24:35 11 people at Apple or communicated his thoughts about the

10:24:37 12 company?

10:24:38 13 A. Yes.

10:24:38 14 Q. During any of those, did he talk about the

10:24:40 15 importance of recruiting top talent to the company --

10:24:42 16 A. Yes.

10:24:42 17 Q. -- that you recall.

10:24:44 18 What did he say about that?

10:24:45 19 A. I can't recall. Something along those lines

10:24:47 20 of -- that it's important to recruit top talent. But I

10:24:51 21 don't remember any specific statements.

10:24:53 22 Q. But you do remember him, at least on one

10:24:57 23 occasion, talking to people internal at Apple about how

10:25:00 24 important recruiting top talent was to the company?

10:25:03 25 A. Uh-huh.

10:25:03 1 Q. Did you ever hear him talk about how concerned
10:25:10 2 or -- how concerned he was or how important it was to
10:25:13 3 Apple that Apple retain top talent?

10:25:15 4 A. No.

10:25:16 5 Q. Okay.

10:25:44 6 (Discussion off the record.)

10:25:46 7 (Whereupon, Exhibit 1015 was marked for
10:25:46 8 identification.)

10:25:47 9 MR. SAVERI: Q. So Mr. Burke, if you need
10:25:49 10 to take a break at any time, let me know. Otherwise
10:25:52 11 I'm going to keep going and try to get this done as
10:25:56 12 soon as possible.

10:25:56 13 A. Go until my water is up.

10:25:59 14 Q. Let me hand you what's been marked as
10:26:02 15 Exhibit 1015. And this is a document that has Bates
10:26:14 16 numbers, which are the little numbers in the corner, of
10:26:17 17 231APPLE055897 to 99.

10:26:35 18 And Mr. Burke, if you take a moment to look at
10:26:37 19 it, I'm going to just ask you about the portion of the
10:26:42 20 document that looks like something you wrote. It's a
10:26:44 21 little bit weird because it looks like this document
10:26:47 22 kind of repeats the same thing in two places. And maybe
10:26:52 23 the easiest way to do this is just to look at what's on
10:26:55 24 the last page.

10:26:56 25 A. Uh-huh.

02:00:29 1 didn't leave unattended, right?

02:00:32 2 A. Correct. That's an assumption. That's a term,

02:00:34 3 "walking out," is grab your stuff, let's go.

02:00:39 4 Q. So it was more of an order than a request,

02:00:42 5 correct?

02:00:43 6 A. Uh-huh.

02:00:44 7 MR. TUBACH: Are you talking about generally or

02:00:45 8 are you talking about this Motorola HR --

02:00:47 9 MR. SAVERI: Q. When you read this, what

02:00:49 10 you understand him to mean by walking someone out.

02:00:53 11 A. That's what the term means, is your employment

02:00:55 12 is done, we don't want you to stick around for the two

02:00:58 13 weeks' notice that you gave, or whatever notice that you

02:01:00 14 gave.

02:01:01 15 Q. And sometimes people who are walked out are

02:01:04 16 escorted by security, right?

02:01:06 17 MR. TUBACH: Lacks foundation.

02:01:06 18 THE WITNESS: I don't know.

02:01:07 19 MR. SAVERI: Q. Well, did -- when Mr. Cong

02:01:11 20 wrote, "come down strong with a counter," what did

02:01:14 21 you understand him to mean there?

02:01:16 22 A. A counteroffer to stay.

02:01:18 23 Q. So did you understand that Mr. Cong was saying

02:01:26 24 that Motorola might walk this candidate out or respond

02:01:34 25 to Apple's offer with a counteroffer?

02:01:38 1 A. Correct. Not necessarily in that order.

02:01:42 2 [REDACTED]

02:01:46 3 [REDACTED]

02:01:49 4 [REDACTED] [REDACTED]

02:01:55 5 [REDACTED]

02:01:59 6 [REDACTED]

02:02:02 7 Q. Usually makes sense to do them in that order,
02:02:04 8 right?

02:02:05 9 A. Yes.

02:02:20 10 Q. Did it happen from time to time that candidates
02:02:26 11 that Apple recruited through cold calls, to whom Apple
02:02:33 12 eventually made a job offer, sometimes stayed with their
02:02:36 13 current employers because the current employer made a
02:02:39 14 counteroffer?

02:02:41 15 A. I can't -- I don't know if as far as from that
02:02:44 16 exact source of cold calling, but over my employment at
02:02:48 17 Apple, that happened several times at different stages
02:02:53 18 where from acceptance to giving notice to, you know,
02:02:57 19 that they would go back with their employer or stay with
02:03:01 20 their employer.

02:03:04 21 Q. And from time to time, did the counteroffers
02:03:10 22 that candidates that Apple recruited receive from their
02:03:19 23 current employers include increased compensation?

02:03:22 24 MR. TUBACH: Lacks foundation. Calls for
02:03:22 25 speculation.

02:03:25 1 THE WITNESS: I'm not sure. I mean, it was --
02:03:28 2 there were -- there was several -- in general, there are
02:03:32 3 several aspects to it. Increased compensation, title,
02:03:38 4 different projects, whatever is not making them happy,
02:03:42 5 hopefully they could fix to stay, and that might be one
02:03:46 6 of those factors.

02:03:47 7 MR. SAVERI: Q. So is it fair to say that
02:03:54 8 sometimes Apple was unsuccessful in recruiting a
02:03:58 9 candidate because the candidate's current employer
02:04:01 10 made a counteroffer that the candidate preferred?

02:04:08 11 MR. TUBACH: Lacks foundation.

02:04:09 12 THE WITNESS: Yes.

02:04:10 13 MR. SAVERI: Q. And did the candidates who
02:04:14 14 stayed tell you at Apple, from time to time, what
02:04:20 15 the counteroffer was and why they stayed?

02:04:24 16 A. We would probe into that, yes.

02:04:27 17 Q. And from time to time, did, in response to
02:04:31 18 those questions, did the candidate tell you, for
02:04:35 19 example, well, they gave me a promotion?

02:04:40 20 A. Uh-huh.

02:04:41 21 Q. Or they changed my job duties in a way that I
02:04:44 22 liked?

02:04:46 23 A. Those were some of the reasons, yes.

02:04:48 24 Q. And sometimes they would raise their
02:04:51 25 compensation?

02:04:52 1 A. Yes.

02:04:53 2 Q. And sometimes it would be a combination of

02:04:55 3 those things?

02:04:56 4 A. Yes.

02:04:56 5 Q. And sometimes a combination of those things and

02:05:01 6 other improvements to their job situation?

02:05:04 7 A. Correct.

02:05:20 8 (Whereupon, Exhibit 1026 was marked for

02:05:20 9 identification.)

02:05:20 10 MR. SAVERI: Q. Exhibit 1026. Do you have

02:05:35 11 that in front of you?

02:05:36 12 A. Yes.

02:05:38 13 Q. This document is an email, looks like it's all

02:05:46 14 an email, with the Bates No. 231APPLE061813 through 817.

02:05:53 15 Do you have that in front of you?

02:05:54 16 A. Yes.

02:05:55 17 Q. Would you take a moment to review it, please.

02:06:00 18 A. Yes.

02:06:04 19 Q. Some of it you'll recognize as part of -- some

02:06:06 20 of this you will recognize as the previous document.

02:06:09 21 A. Yep.

02:06:48 22 Okay.

02:06:51 23 Q. Do you recognize this document?

02:06:52 24 A. Yes.

02:06:53 25 Q. Could you tell me what it is, please.

02:06:55 1 A. It's the same document from Jose Cong, passing
02:06:59 2 along to Dani Lambert and my direct boss, Ed Sermone,
02:07:07 3 about this candidate, about the situation that after
02:07:13 4 giving notice, what heat, as they said, what -- from the
02:07:20 5 candidate -- the Motorola candidate is getting from
02:07:23 6 Motorola for, you know, giving notice, saying that he's
02:07:26 7 going to Apple, and them really probing him further than
02:07:30 8 the normal candidate giving notice. So....

02:07:34 9 Q. Now, did you write the email to Ed Sermone on
02:07:39 10 the 28th of October 2005 as indicated here?

02:07:43 11 A. To Dani Lambert, cc'ing Ed, yes.

02:07:47 12 Q. Okay. Now -- and at this time, was Ed Sermone
02:07:51 13 your direct boss?

02:07:52 14 A. Correct.

02:07:53 15 Q. And was Dani Lambert Ed Sermone's boss?

02:07:57 16 A. Yes.

02:07:58 17 Q. Why did you write this to Dani Lambert?

02:08:01 18 A. Because Dani was the one that told me about the
02:08:03 19 agreement. And as referenced in this, when Dani told me
02:08:11 20 about this agreement, that we told Dani about this
02:08:18 21 candidate we were already in discussions with before the
02:08:21 22 agreement, and for her to ask Steve Jobs if it was okay
02:08:24 23 for us to pursue and he gave that blessing. Now this is
02:08:27 24 the aftermath of it. Of the person accepting, giving
02:08:31 25 notice.

05:28:46 1 Q. And then there are a couple of attachments that
05:28:48 2 I want to ask you about. Okay?
05:29:09 3 A. Okay.
05:29:16 4 Q. First, just for foundational purposes, you were
05:29:21 5 a -- were you a recipient of emails to the staffing
05:29:25 6 department email group that's listed here?
05:29:30 7 A. Yes.
05:29:31 8 Q. Okay. And Ms. Montesino, in her email, refers
05:29:35 9 to something called the Staffing Wiki. Do you see that?
05:29:39 10 A. Yes.
05:29:40 11 Q. What was the Staffing Wiki?
05:29:44 12 A. It is a centralized website for information
05:29:49 13 with password protected for certain people to have
05:29:52 14 access to it and this was the staffing management.
05:29:57 15 Q. Did you have access to it?
05:29:58 16 A. Yes.
05:29:58 17 Q. And from time to time, did you use the
05:29:59 18 information on the wiki for purposes of doing your job?
05:30:04 19 A. Very rarely.
05:30:05 20 Q. Okay. What information on that did you use?
05:30:09 21 A. I rarely used it.
05:30:11 22 Q. Okay. There is something -- she also refers to
05:30:13 23 something called a Functional Job Matrix and leveling
05:30:15 24 guides. Do you see that?
05:30:18 25 A. Uh-huh.

05:30:18 1 Q. Are those two things or one thing?

05:30:27 2 A. I'm not familiar with those terms.

05:30:30 3 Q. Okay.

05:30:32 4 A. Job matrix. Yeah, I'm not familiar with those

05:30:45 5 terms.

05:30:45 6 Q. So you don't know what a -- what she meant when

05:30:47 7 she referred to a Functional Job Matrix?

05:30:54 8 MR. TUBACH: Asked and answered.

05:30:54 9 THE WITNESS: Not directly, no.

05:30:55 10 MR. SAVERI: Q. And do you know what a

05:30:56 11 leveling guide is?

05:30:58 12 A. No.

05:30:59 13 Q. Did -- are you familiar with the term or the

05:31:09 14 concept of job leveling with respect to salary

05:31:11 15 structures?

05:31:18 16 A. Job leveling. Job leveling -- job levels are

05:31:21 17 the particular engineer, one, two, three, four, five,

05:31:25 18 six, sort of thing, for example, [REDACTED]

05:31:28 19 [REDACTED]. So from that perspective,

05:31:31 20 yes.

05:31:33 21 Q. Now, Mr. Bentley, in his email, looks like he's

05:31:45 22 attaching two documents, one called a US

05:31:49 23 BaseSalary_Structure and one that has to do with RSUs

05:31:55 24 for fiscal year '09 new hire stock. Do you see that?

05:32:02 25 A. Uh-huh.

05:32:02 1 Q. Let's look at the attachments. Let me ask you
05:32:04 2 a couple questions about them.

05:32:05 3 First, let's focus on the Base Salary
05:32:08 4 Structures.

05:32:12 5 A. Which one is that?

05:32:13 6 Q. It looks like it's -- begins on APPLE009282.

05:32:18 7 A. Yep.

05:32:19 8 Q. First of all, do you know what these charts
05:32:21 9 are?

05:32:22 10 A. Yes.

05:32:22 11 Q. What are they?

05:32:23 12 A. They are -- the job codes or these job
05:32:28 13 numbers --

05:32:28 14 Q. Right.

05:32:28 15 A. -- those relate to particular job codes. And
05:32:38 16 in Merlin, which is our internal HRS, there was a
05:32:43 17 correlating job title that went along with job codes in
05:32:46 18 particular groups.

05:32:47 19 Q. Did you use these Base Salary Structures for
05:32:52 20 when you were doing your recruiting or sourcing?

05:32:54 21 MR. TUBACH: At this time you mean?

05:32:55 22 MR. SAVERI: Yeah.

05:32:56 23 THE WITNESS: I'm sorry, what?

05:32:57 24 MR. TUBACH: Sorry.

05:32:58 25 Go ahead.

05:32:59 1 THE WITNESS: Not in recruiting or sourcing,
05:33:00 2 no.

05:33:01 3 MR. SAVERI: Q. Well, did you use these,
05:33:04 4 either these Base Salary Structures tables or
05:33:08 5 previous versions of these in your job?

05:33:12 6 A. Yes. To make offers.

05:33:14 7 Q. Okay. And how would you use them to make
05:33:16 8 offers? Or how did you use them to make offers?

05:33:20 9 A. Mostly, there is kind of two steps. You would
05:33:25 10 compare the candidate you were looking to to other
05:33:29 11 people on the team to figure out what level they would
05:33:34 12 be coming in at. And that was mostly to figure out what
05:33:38 13 level stock. But who we compared it to was the biggest
05:33:42 14 determining factor on what salary we gave. And then see
05:33:46 15 if it -- what -- what salary was matching up with the
05:33:52 16 levels and the position in the level.

05:33:54 17 Q. So is it fair to say when you made offers to
05:33:59 18 particular candidates, you used these -- you used
05:34:03 19 information like this regarding base salary structures
05:34:07 20 in order to determine what job title a person would be
05:34:12 21 offered and the range of salary that would apply to that
05:34:16 22 person?

05:34:18 23 A. Say that again. I'm sorry.

05:34:20 24 MR. TUBACH: Misstates prior testimony. Vague
05:34:21 25 and ambiguous.

05:34:23 1 MR. SAVERI: Q. Let me break it up into
05:34:23 2 pieces. I think you said you used either this table
05:34:26 3 or other versions of this table when you were making
05:34:30 4 offers to candidates, correct?
05:34:32 5 MR. TUBACH: Misstates prior testimony.
05:34:34 6 THE WITNESS: It was a portion of it, yes.
05:34:37 7 MR. SAVERI: Q. Okay. And --
05:34:39 8 A. Or this information that was in the HRS system.
05:34:42 9 I didn't always have to pull out these tables. Yes.
05:34:45 10 Q. Okay. But is it fair to say that there was
05:34:49 11 information like this available in paper form or in
05:34:53 12 electronic form that you had access to?
05:34:56 13 A. They're embedded within the HRS system, yes.
05:34:59 14 Q. When you say the HRS system, what's that?
05:35:02 15 A. It's our human resources information system.
05:35:07 16 So we had our homegrown kind of a PeopleSoft or SAP or
05:35:10 17 Oracle sort of thing. We had our homegrown, so when we
05:35:13 18 opened a position within the Merlin, we would open it
05:35:16 19 up, say, at a level two and a level three, and each one
05:35:19 20 of those had a salary range that went with that.
05:35:22 21 So when we were doing that, I didn't
05:35:24 22 necessarily -- that's a system that we dealt with daily,
05:35:27 23 so I didn't necessarily need to bring out a paper
05:35:30 24 version.
05:35:31 25 Q. Fair enough.

05:35:32 1 A. And these don't relate to any recruiting I did.

05:35:35 2 I don't know what these were for.

05:35:37 3 Q. Okay. We talked earlier today about something

05:35:40 4 called a system title?

05:35:42 5 A. Yes.

05:35:43 6 Q. Are these codes or these job codes equivalent

05:35:47 7 to system titles or is this something else?

05:35:49 8 A. They -- they equate. There is -- each system

05:35:53 9 title has a job code that matches to one of these, yes.

05:35:56 10 Q. When you say job code, do you mean these codes

05:35:59 11 that are in the job column --

05:36:00 12 A. Yes.

05:36:00 13 Q. -- of these tables?

05:36:02 14 A. Yes.

05:36:03 15 Q. And is it fair to say that everybody who worked

05:36:04 16 for Apple was assigned to one of these job codes or job

05:36:08 17 titles?

05:36:09 18 A. Some sort of job code and title, yes.

05:36:12 19 Q. [REDACTED]

05:36:16 20 [REDACTED]

05:36:19 21 A. [REDACTED]

05:36:21 22 Q. [REDACTED]

05:36:30 23 [REDACTED]

05:36:36 24 [REDACTED]

05:36:38 25 A. [REDACTED]

05:36:42	1	[REDACTED]
05:36:46	2	[REDACTED]
05:36:51	3	[REDACTED]
05:36:57	4	[REDACTED]
05:36:59	5	[REDACTED]
05:37:01	6	[REDACTED]
05:37:04	7	[REDACTED]
05:37:09	8	[REDACTED]
05:37:13	9	[REDACTED] [REDACTED]
05:37:14	10	[REDACTED]
05:37:16	11	Q. [REDACTED]
05:37:18	12	[REDACTED]
05:37:21	13	[REDACTED]
05:37:26	14	[REDACTED]
05:37:29	15	A. [REDACTED]
05:37:29	16	Q. [REDACTED]
05:37:33	17	A. [REDACTED]t.
05:37:34	18	Q. [REDACTED]
05:37:37	19	[REDACTED]
05:37:41	20	A. [REDACTED] [REDACTED]
05:37:44	21	[REDACTED]
05:37:48	22	[REDACTED]
05:37:50	23	[REDACTED]
05:37:52	24	Q. Well, I mean, for example, [REDACTED]
05:37:54	25	[REDACTED]

05:37:56 1 [REDACTED]

05:38:03 2 [REDACTED]

05:38:06 3 [REDACTED]

05:38:10 4 [REDACTED]

05:38:14 5 [REDACTED]

05:38:16 6 A. [REDACTED]

05:38:19 7 [REDACTED] [REDACTED]

05:38:23 8 [REDACTED] [REDACTED]

05:38:28 9 [REDACTED] [REDACTED]

05:38:33 10 [REDACTED].

05:38:38 11 Q. Did Apple, from time to time, acquire

05:38:39 12 companies?

05:38:40 13 A. Very rare.

05:38:43 14 Q. Do you -- do you know, or can you describe for

05:38:51 15 me, the process of how people who were working for

05:38:55 16 companies that were acquired -- let me ask you a better

05:39:06 17 question.

05:39:07 18 Do you know how employees of acquired companies

05:39:11 19 were incorporated into this salary structure?

05:39:15 20 MR. TUBACH: Lacks foundation.

05:39:17 21 THE WITNESS: I don't know, just because I was

05:39:18 22 never involved in it.

05:39:19 23 MR. SAVERI: Q. And it wasn't something

05:39:20 24 that you were responsible for?

05:39:22 25 A. It was -- if an acquisition happened in your

05:39:25 1 line of business, then you would run with it and be
05:39:28 2 involved with it. Just my groups never did it.

05:39:48 3 (Whereupon, Exhibit 1047 was marked for
05:39:48 4 identification.)

05:39:52 5 THE WITNESS: Are we done with this one?

05:39:54 6 MR. SAVERI: Yeah, I am. Thank you.

05:39:58 7 I didn't make any copies of this.

05:40:03 8 I've handed --

05:40:04 9 MR. TUBACH: This is the document we produced
05:40:06 10 today?

05:40:06 11 MR. SAVERI: Yeah. Let me do this and try to
05:40:08 12 finish it up.

05:40:09 13 Q. I've handed you Exhibit 1047.

05:40:10 14 A. Yes.

05:40:11 15 Q. Can you tell me what that is.

05:40:12 16 A. My offer letter of employment to join Apple.

05:40:17 17 Q. And that's a true and correct copy of your
05:40:19 18 employment letter?

05:40:19 19 A. Yes.

05:40:20 20 Q. When you left the company, did you sign any
05:40:22 21 agreement with the company?

05:40:23 22 A. No.

05:40:25 23 Q. Are you -- do you have any ongoing business
05:40:31 24 relationship with Apple?

05:40:33 25 A. Define business relationship.

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4 first duly sworn and the foregoing testimony was
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8 I further certify that I am not of counsel or
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15 In witness whereof, I have hereunto set my
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17 ____ Reading and Signing was requested.

18 ____ Reading and Signing was waived.

19 __X__ Reading and signing was not requested.

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